



Atty. Dkt. No. 036762-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathleen K. MARTIN
Title: PROPHYLACTIC DEVICE
Appl. No.: 10/724,864
Filing Date: 12/02/2003
Examiner: Unassigned
Art Unit: 3764

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document, except as noted below, is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits. No fee is due.

An English translation of the foreign-language document is not readily available. However, an English-language abstract is attached. The absence of such translation does not relieve the PTO from its duty to consider the submitted foreign language document (37 CFR §1.98 and MPEP §609).

The condoms of documents A31-A35 came to the attention of applicant at a date presently undetermined, but not later than the effective filing date of the present application.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date April 16, 2004

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By Mary Michelle Kile

Mary Michelle Kile
Attorney for Applicant
Registration No. 35,217

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Substitute for form 1449B/PTO		Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number 10/724,864 Filing Date December 2, 2003 First Named Inventor Kathleen Martin Group Art Unit 3764 Examiner Name Unassigned Attorney Docket Number 036762-0103	O P E 301 APR 16 2004 PATENT & TRADEMARK OFFICE	
April 16, 2004 <i>(use as many sheets as necessary)</i>				
Sheet	1	of	2	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	3,536,066		Ludwig	10-27-1970	
	A2	4,664,104		Jaicks	05-12-1987	
	A3	4,834,113		Reddy	05-30-1989	
	A4	4,840,624		Lee	06-20-1989	
	A5	4,862,901		Green	09-05-1989	
	A6	4,898,184		Skurkovich, et al.	02-06-1990	
	A7	4,966,165		Anderson	10-30-1990	
	A8	4,967,767		Harris, et al.	11-06-1990	
	A9	4,981,147		Barnett	01-01-1991	
	A10	4,993,431		Reddy	02-19-1991	
	A11	4,993,433		Reddy	02-19-1991	
	A12	5,146,930		Richardson, et al.	09-15-1992	
	A13	5,168,881		Reddy	12-08-1992	
	A14	5,181,527		Dorsey, et al.	01-26-1993	
	A15	5,209,241		Hardy	05-11-1993	
	A16	5,269,320		Hunicutt	12-14-1993	
	A17	5,413,117		Willis	05-09-1995	
	A18	5,490,525		Reddy	02-13-1996	
	A19	5,515,862		Artsi, et al.	05-14-1996	
	A20	5,535,757		Fleming, Jr.	07-16-1996	
	A21	5,596,997		Abadi	01-28-1997	
	A22	5,638,829		Najor	06-17-1997	
	A23	5,687,741		Torger	11-18-1997	
	A24	6,035,853		Alla, et al.	03-14-2000	
	A25	2002/0038658		Austin, et al.	04-04-2002	

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/724,864
April 16, 2004				Filing Date	December 2, 2003
(use as many sheets as necessary)				First Named Inventor	Kathleen Martin
Sheet	2	of	2	Group Art Unit	3764
				Examiner Name	Unassigned
				Attorney Docket Number	036762-0103

O P E 6/1 APR 16 2004
PATENT & TRADEMARK OFFICE

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ⁶
	A27	New Year's Greetings from Zebra Foundation, Newsletter, February 2003, 1 pg. (double sided), Zebra Foundation, Inc., Laytonville, California.		
	A28	http://www.zebrafoundation.org, Website, July 2003, 1 pg., Zebra Foundation, Inc., Laytonville, California.		
	A29	ROANNE WITHERS, "Can a Laytonville Mom Prevent AIDS in Africa?", Anderson Valley Advertiser, August 20, 2003, pp. 1, 12, Vol. 51, No. 34, Boonville, California.		
	A30	ROANNE WITHERS, "Laytonville Mom v. Africa AIDS," Anderson Valley Advertiser, August 27, 2003, pp. 1, 12, Vol. 51, No. 35, Boonville, California.		
	A31	Reality Condom, Product Packaging, 2 pgs.		
	A32	Condón Femenino, Product Packaging, 2 pgs.		
	A33	Bikini Condom, Instruction Sheet, 1 pg., International Prophylactics, Inc., Princeton, New Jersey.		
	A34	Glyde Dams, "LOLLYES," Product Package, 2 pgs.		
	A35	Glyde Brochure, 1 pg. (double-sided), KIA-ORA Pacific Trading Pty Ltd., Killara 2071 Australia		

Examiner Signature	Date Considered
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